

01-11-08

SFW

Attorney Docket No. CSURF-112A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Douglas Hittle Ph.D. & Amy Lee, Ph.D.

Serial No.: 10/791,507

Filed: 01 March 2004

For: Tile structures having phase change material (PCM)
component for use in flooring and ceilings

)
)
) Examiner: Katarzyna I. Wyrozebski
)
) Art Unit: 1796
)
)
)

INFORMATION DISCLOSURE STATEMENT TRANSMITTAL

Mail Stop IDS & 1449
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith, in connection with <no> on-line IDS being submitted concurrently:

- ✓ An Information Disclosure Statement and Certification (2 pages);
- ✓ Combined Form (2 pages) PTO 1449 & PTO/SB/08B identifying the US Patents, US Published app., and non-US Patent references;
- ✓ Copies of all non-US Patent references cited on the enclosed Form PTO 1449/PTO/SB/08B; and
- ✓ Return Postcard.

Respectfully submitted,

Jean M. Macheledt

Macheledt Bales & Heidmiller LLP

Attorney for Assignee/Applicants

Registration Number 33,956

phone: 970.218.6798

dated this 10th day of January 2008

501 Skysail Lane, Suite B100 / Fort Collins, CO 80525-3133

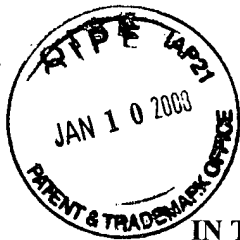
I hereby certify that this correspondence is being deposited with the US Postal Service under 37 CFR 1.8 with sufficient postage as US Express Mail EU 726 843 201 US in an envelope addressed to:

Mail Stop IDS/1449, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on 10th day of Jan 2008 (date).

Jean M Macheledt

Printed Name

Signature



Attorney Docket N^o CSURF-112A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Douglas Hittle Ph.D. & Amy Lee, Ph.D.

) **Exr:** Katarzyna I. Wyrozebski

Serial N^o: 10/791,507

Confirm N^o: 2758

) **Art Unit:** 1796

Filed: 01 March 2004

For: Tile structures having phase change material (PCM)
component for use in flooring and ceilings

Mail Stop IDS & 1449

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT and CERTIFICATION

Pursuant to 37 C.F.R. §§1.51(b), 1.56, 1.97 and 1.98, this Information Disclosure Statement is submitted in the above-identified patent application. A list of documents to be published on the face of any patent granted from this application is submitted herewith on PTO/SB/08B (PTO-1449). In the event any of the items listed on enclosed Form SB/08B have no specific month and/or date of publication identified: it is believed that the particular month and/or date of publication of these items is not of particular significance at this point in time; and by including these items herewith applicants do not, in any way, suggest that any of them bear a particular publication date that precedes the instant invention date. A copy of each non-U.S./ foreign patent document, or each publication or portion thereof listed or herein identified, is being submitted herewith, *except that* NO copy of any U.S. patent application identified herein or any patent, publication or other information listed herein cited or submitted in a prior application relied upon for an earlier filing date under 35 U.S.C. §§ 119 & 120, and NO hard copy of each U.S. patent and U.S. published patent app.¹ listed, is being submitted herewith.

¹ See, MPEP §609.04(a) II **Legible Copies**. "The requirement for a copy of each U.S. patent or U.S. patent application publication listed in an IDS, has been eliminated, unless required by the Office." and *prior* §609 III A(2) **Legible Copies** "...with the exception that copies of such U.S. patent documents [published U.S. patent apps. and U.S. patents] are not required if the IDS is electronically submitted via EFS or the IDS is filed in an application filed after June 30, 2003 or entered the national stage under 35 U.S.C. 371 after June 30, 2003 . . ."

CERTIFICATION

_____ This Information Disclosure Statement is submitted within three months of (i) the filing date of the above-identified U.S. National Patent application, or (ii) the date of entry into the U.S. National Stage of the above-identified International Application, or (iii) the date of entry into the U.S. National Stage of the International Application that has been assigned the above-identified U.S. Patent application number, whichever applies.

X This Information Disclosure Statement, and any associated *on-line* EFS-IDS, is being submitted *prior to the receipt* of the first Office Action *on the merits*² received by applicant(s) in the above-identified utility application.

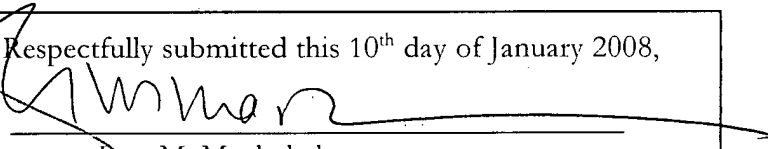
_____ This Information Disclosure Statement is submitted after three months from (i) the filing date of the above-identified U.S. National Patent application, or (ii) after three months from entry into the U.S. National Stage of the above-identified International Application, or (iii) the date of entry into the U.S. National Stage of the International Application that has been assigned the above-identified U.S. Patent application number, whichever applies; and after the mailing date of the first Office Action on the merits of the above-identified application, but prior to issuance of the earlier of any Final Action or Notice of Allowance sent in such application. The certification under 37 C.F.R. § 1.97(e) is submitted separately or below, or the fee required under 37 C.F.R. § 1.97(c) and § 1.17(p) is submitted herewith.

The Examiner is requested to acknowledge consideration of the information provided in this paper in accordance with prescribed procedures.

While it is believed no additional charge is due as a result of filing this document, please charge any additional fees or credit any overpayments in connection with this paper to:
Deposit Acct. N^o **02-0725**,

Macheledt Bales LLP.

Respectfully submitted this 10th day of January 2008,


Jean M. Macheledt

Macheledt Bales & Heidmiller LLP

Attorney for Assignee/Applicant(s)

Registration N^o 33,956

² See, MPEP §609.04(b)I and *prior* §609 III.B(1)(a): Likewise, an information disclosure statement will be considered if it is filed later than 3 months after the application filing date but before the mailing date of a first Office action on the merits. An action on the merits means an action which treats the patentability of the claims in an application, as opposed to only formal or procedural requirements. An action on the merits would, for example, contain a rejection or indication of allowability of a claim or claims *rather than* just a restriction requirement ... or just a requirement for additional fees to have a claim considered ... [*emphasis added*].